

From: (b) (6), (b) (7)(C)
To: BUN-PAIC
Cc: (b) (6), (b) (7)(C)
Subject: BUN (b) (7)(E) DACA Guidance Update
Date: Wednesday, January 17, 2018 10:13:52 AM
Attachments: BUN (b) (7)(E) [DACA Update Jan 12 2018.pdf](#)

Good Morning,

Attached for dissemination, review and compliance is the most recent guidance on DACA.

Thanks,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

United States Border Patrol Buffalo Sector
201 Lang Boulevard
Grand Island, New York 14072
DESK (b) (6), (b) (7)(C)
Cell: (b) (6), (b) (7)(C)
FAX: (b) (6), (b) (7)(C)

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(b) (7)(E)



U.S. Customs and
Border Protection

January 17, 2018

MEMORANDUM FOR: Patrol Agents in Charge
Buffalo Sector (b) (6), (b) (7)(C)

FROM: (b) (6), (b) (7)(C)
Acting Chief Patrol Agent
Buffalo Sector

SUBJECT: Guidance on Deferred Action for Childhood Arrivals (DACA)

The purpose of this memorandum is to provide clarity regarding the most recent guidance on DACA.

Attached for reference is a memorandum entitled "*Guidance on the Acting Secretary's Rescission of the Memorandum of June 15, 2012, Establishing DACA*," dated September 6, 2017 from Acting U.S. Border Patrol Chief Carla L. Provost. Also attached for reference is a memorandum entitled "*Secretary Napolitano's Memorandum Concerning the Exercise of Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children*," dated June 15, 2012, from then Acting CBP Commissioner David V. Aguilar.

On January 9, 2018, a federal district court judge issued a preliminary injunction ordering DHS to maintain the DACA policy on a nationwide basis on the same terms and conditions as were in effect before the DACA rescission on September 5, 2017.

On September 6, 2017, guidance was issued to all Chief Patrol Agents and Directorate Chiefs explaining the DACA rescission and reminding agents to process DACA individuals who are encountered by U.S. Border Patrol in a manner that is consistent with existing guidance. That guidance memo also instructed agents on how to process individuals who claim to have DACA, individuals who have a pending DACA application, individuals who do not have deferred action, DACA individuals with derogatory information, and individuals who appeared eligible for DACA but had no pending DACA application. With the exceptions of paragraphs one and two of that guidance, the remaining guidance remains in place.

Questions regarding this memorandum may be addressed to DC (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Attachments



**U.S. Customs and
Border Protection**

Commissioner

JUN 15 2012

MEMORANDUM FOR: See Distribution (b) (6), (b) (7)(C)

FROM: David V. Aguilar
Acting Commissioner

SUBJECT: Secretary Napolitano's Memorandum Concerning the Exercise of Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children

Effective immediately, U.S. Customs and Border Protection (CBP) Agents and Officers are instructed to exercise prosecutorial discretion in a manner that aligns with the attached memorandum from the Secretary of Homeland Security. The memo states that, with respect to individuals who meet the below criteria, CBP Agents and Officers should immediately exercise their discretion, on an individual basis, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States. The criteria are as follows:

- came to the United States under the age of sixteen;
- has continuously resided in the United States for at least five years preceding the date of this memorandum and is present in the United States on the date of this memorandum;
- is currently in school, has graduated from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety; and
- is not above the age of thirty.

If CBP personnel have questions about the exercise of prosecutorial discretion described in this memorandum, they should contact their local chief counsel.

Disclaimer

As there is no right to the favorable exercise of discretion by the agency, nothing in this memorandum should be construed to prohibit the apprehension, detention, or removal of any alien unlawfully in the United States or to limit the legal authority of DHS or any of its personnel to enforce federal immigration law. Similarly, this memorandum, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

Distribution:

Deputy Commissioner
Chief of Staff
Deputy Chief of Staff
Chief, Office of Border Patrol
Assistant Commissioner, Office of Field Operations
Assistant Commissioner, Office of Air and Marine
Chief Counsel, Office of Chief Counsel
Assistant Commissioner, Office of Public Affairs
Assistant Commissioner, Office of Congressional Affairs
Executive Director, Office of Diversity and Civil Rights
Executive Director, Office of Policy and Planning
Director, State, Local and Tribal Governments
Commander (b) (6), (b) (7)(C) Arizona Joint Field Command
Commander (b) (6), (b) (7)(C) South Texas Campaign
All Sector Chiefs, Office of Border Patrol
All Directors of Field Operations, Office of Field Operations
All Directors of Air and Marine Operations, Office of Air and Marine
All Associate Chief Counsels, Office of Chief Counsel
All Public Affairs Officers, Office of Public Affairs
NGO Liaison

Attachment

From:

(b) (6), (b) (7)(C)

To:

BUN-PAIC

Cc:

(b) (6), (b) (7)(C)

Subject:

BUN (b) (7)(E) Guidance on the Acting Secretary's Rescission of the Memorandum of June 15, 2012, Establishing DACA

Date:

Friday, September 8, 2017 7:10:40 AM

Attachments:

BUN (b) (7)(E) [Guidance on Rescission from June 15, 2012 Establishing DACA.pdf](#)

Good morning-

Please read the attached memorandum sent on behalf of Buffalo Sector Chief Patrol Agent (b) (6), (b) (7)(C) regarding Guidance on the Acting Secretary's Rescission of the Memorandum of June 15, 2012, Establishing DACA. Please ensure a training roster created, as it is required to be signed by all supervisors and agents and forwarded, by Wednesday, September 20, 2017, to Special Operations Supervisor (b) (6), (b) (7)(C). All questions or concerns pertaining to this should be directed to Division Chief (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C). Thank you.

(b) (7)(E)



**U.S. Customs and
Border Protection**

September 7, 2017

MEMORANDUM FOR: Patrol Agents in Charge
Buffalo Sector

FROM:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Buffalo Sector

SUBJECT: Guidance on the Acting Secretary's Rescission of the
Memorandum of June 15, 2012, Establishing DACA

Attached for dissemination and review is the September 6, 2017 memorandum entitled "*Guidance on the Acting Secretary's Rescission of the Memorandum of June 15, 2012, Establishing DACA*" from Acting U.S. Border Patrol Chief Carla L. Provost.

Please ensure that this information is made available to all supervisors and agents and that they are familiar with it. A training roster, documenting receipt of the memoranda (read and sign), should be compiled and forwarded to Special Operations Supervisor (b) (6), (b) (7)(C) at Buffalo Sector Headquarters by Wednesday, September 20, 2017.

Questions regarding this memorandum may be addressed to DC (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C)

Attachment

From: (b) (6), (b) (7)(C), (b) (7)(E)
To: [REDACTED]
Cc: [REDACTED]
Subject: BUN Response: DACA RFI
Date: Thursday, August 31, 2017 2:14:58 PM
Attachments: [FW Deferred Action Prosecutorial Discretion Narrative Guidance.msg](#)
[FW DEFERRED ACTION INFO.msg](#)
[FW Executive Order.msg](#)
[FW Updated Processing Guidance on Deferred Action Cases .msg](#)
[DACA Checklist.pdf](#)
Importance: High

ALCON,

Attached is information disseminated throughout BUN regarding DACA and this RFI – This is the information provided and used throughout BUN during the time frame outlined below.

(b) (6), (b) (7)(C)

Division Chief, Buffalo Sector

Department of Homeland Security | U.S. Border Patrol

☎: (b) (6), (b) (7)(C) (Office) | ☎: (b) (6), (b) (7)(C) (Cell) | ✉: (b) (6), (b) (7)(C)

NOTICE: This message, including any attachments, is intended for the use of the party to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you are not the intended recipient, any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately by reply e-mail, and delete the original and any copies of this message. It is the sole responsibility of the recipient to ensure that this message and any attachments are virus free.

From: (b) (6), (b) (7)(C)

Sent: Friday, August 25, 2017 9:25 AM

To: (b) (6), (b) (7)(C)
[REDACTED]

Cc: (b) (6), (b) (7)(C)
[REDACTED]

Subject: FW: DACA RFI

Importance: High

Sirs,

We need to forward to LEOD specialty Programs any sector wide DACA related policies, procedures, and training documents that have been in effect between June 15, 2012 and the present. In addition, any documents concerning the process for checking an individual's DACA status prior to arresting, issuing a detainer request, initiating removal proceedings, or removing an individual.

This is due to LEOD specialty programs COB August 31, 2017.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Friday, August 25, 2017 9:14 AM

To: (b) (6), (b) (7)(C), (b) (7)(E)

Cc: (b) (7)(E)

Subject: FW: DACA RFI

Good morning,

Please see the FOIA request below regarding DACA. Short turnaround, responses requested by COB 08/31/17.

Respectfully,

(b) (6), (b) (7)(C), (b) (7)(E)

Desk (b) (6), (b) (7)(C)
Cell:

From: (b) (6), (b) (7)(C)

Sent: Friday, August 25, 2017 9:12 AM

To: (b) (7)(E)

Cc: (b) (6), (b) (7)(C)

Subject: DACA RFI

Good morning.

LEOD Specialty Programs has been assigned a FOIA request regarding Deferred Action for Childhood Arrivals (DACA). As such, I request that you reach out to your respective sectors and have them provide any sector wide DACA related policies, procedures, and training documents that have been in effect between June 15, 2012 and the present. In addition, any documents concerning the process for checking an individual's DACA status prior to arresting, issuing a detainer request, initiating removal proceedings, or removing an individual.

Suspense date is COB August 31, 2017.

Thanks

(b) (6), (b) (7)(C)

Assistant Chief

U.S. Border Patrol

(O (b) (6), (b) (7)(C)
(C)

(b) (6), (b) (7)(C)

Deferred Action for Childhood Arrivals (DACA) Checklist

Subject name: _____

Date: _____

A#: _____

	Yes	No
1. Did the individual come to the United States before s/he turned 16		
2. Has s/he resided continuously in the United States since January 1, 2010?		
3. Does s/he appear to meet the DACA educational requirements (must check at least one "yes" below):		
Has he/she graduated from high school, obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States?		
Is he/she currently in elementary, junior high or middle school, or secondary school?		
Is he/she currently enrolled in an education, literacy or career training program (including vocational training)?		
Is he/she currently enrolled in an educational program assisting the alien to obtain a High school diploma or GED?		
4. Does the individual otherwise fall outside DHS's enforcement priorities?		
Priority 1:		
(b) (7)(E)		
Priority 2:		
(b) (7)(E)		
Priority 3:		
(b) (7)(E)		

(b) (7)(E)

If the answers to 1 – 4 are "yes," the individual should be processed for Release, and referred to USCIS to seek deferred action.

Agent name: _____ Signature: _____ Date: _____

Supervisor name: _____ Signature: _____ Date: _____

ACPA Approval (name): _____ Date: _____

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, August 31, 2017 5:30 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Deferred Action / Prosecutorial Discretion Narrative Guidance
Importance: High

From: (b) (6), (b) (7)(C)
Sent: Friday, June 29, 2012 12:49 PM
To: (b) (6), (b) (7)(C)

Subject: Deferred Action / Prosecutorial Discretion Narrative Guidance
Importance: High

Alcon;

Although Buffalo Sector has yet to encounter anyone amenable to relief under the Deferred Action prosecutorial discretion requirements for certain aliens brought into the United States as children, we have been following cases at other Sectors in order to strive for nationwide consistency in the application and consideration.

As such, the following narrative guidelines are provided. These are similar to what have been put in place at Sectors currently encountering amenable aliens.

- Do not interview/question potential DA/PD subjects with “leading” questions. Ascertain their qualifications through the interview/questioning process.
- Do not use canned or boilerplate narratives. Create a full narrative that clearly delineates the who, what, where, when and why of the case.

When preparing and reviewing the narrative, we need to ensure the following has been ascertained/identified:

- Manner of arrest. (This has been of particular interest.) How and why was the alien encountered? If by OA, name of agency, reason for their encounter and reason they called Border Patrol.
- Did they come to the United States under the age of sixteen; Explain at what age and why.

- Has the alien continuously resided in the United States for a least five years preceding June 15, 2012?
- Was the alien present in the United States on June 15, 2012;
- Is the alien currently in school, has graduated from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; Dates, names, addresses of institutions. Date of diploma, etc.
- Has the alien been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety?
- Is the alien above the age of thirty?

The narrative for the DA/PD cases is being pulled from (b) (7)(E) to make a report for the Commissioner each day.

PAICs, confirm with ACPA (b) (6), (b) (7)(C) when these guidelines are received and implemented.

(b) (6), (b) (7)(C)

Deputy Chief Patrol Agent
U.S. Border Patrol Buffalo Sector

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, August 31, 2017 5:30 AM
To: (b) (6), (b) (7)(C)
Subject: FW: DEFERRED ACTION INFO
Attachments: Instructions to the field regarding deferred action cases.docx; Form I-385camp card.pdf; Notice to Alien regarding Deferred Action-English.pdf; Notice to Alien regarding Deferred Action-Spanish.pdf; FW: Updated Processing Guidance on Deferred Action Cases

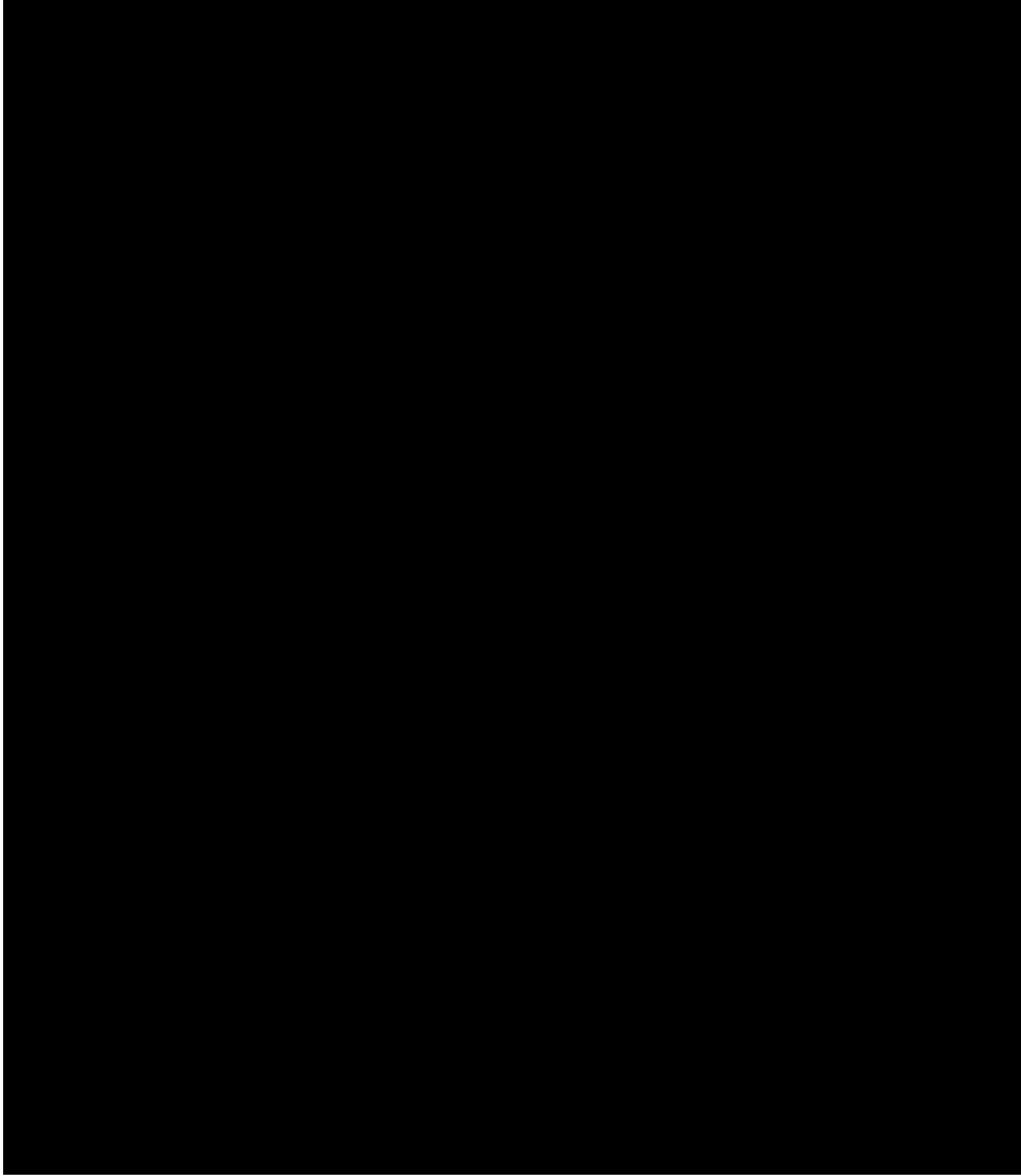
From: (b) (6), (b) (7)(C)
Sent: Tuesday, November 26, 2013 4:33 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: DEFERRED ACTION INFO

In case you don't have this information

(b) (6), (b) (7)(C)
Deputy Patrol Agent in Charge
Oswego Border Patrol Station
(b) (6), (b) (7)(C) Office
(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)



CBP Guidance for Field – U.S. Border Patrol

Encounter Individual

- Determine alienage and legal status to remain/reside in the United States
- Conduct records, biographical, biometric checks etc...
- (b) (5), (b) (7)(E)

(b) (7)(E) Processing Guidelines for Deferred Action eligible cases

- Create A-File
- Process subject through Full VR pathway
 - (b) (7)(E)
- Complete a (b) (7)(E) (including criteria necessary to establish prima facie eligibility)
 - (b) (7)(E) (b) (7)(E)
- **Complete Form I-385 Alien Booking Record (Camp Card)**
- Must have 2nd level supervisor approval

(b) (7)(E) Biometrics Search/Enroll (14 yrs. of age to 79 yrs. of age)

- Completed A-File (I-213, I-385, (b) (7)(E) and any additional documentation supporting claim) will be turned over to USCIS
- **Provide Form I-385, and Notice to Alien Regarding Deferred Action and USCIS Hotline number (800) 375-5283 to alien upon release**

If an alien is in removal proceedings

- Run records checks and verify claim of pending removal proceedings
- No processing action necessary
- Provide USCIS Hotline number (800) 375-5283 upon release

If an alien has a Final Order of Removal ordered (e.g., Bag and Baggage)

- Processes through Full VR pathway
- (b) (7)(E)
- Contact local ICE office to remand custody of individual to ICE.¹


For Southbound Operations at POE's, all enforcement actions will still fall within OFO guidelines.

For further inquiries contact local counsel through proper chain of command.

Media Inquiries: All media inquiries should be directed to the Customs and Border Protection Office of Public Affairs.

¹ CBP does not possess the authority to re-open or review a case that has been issued a Final Order of Removal by an Immigration Judge. This process must be initiated by ICE.

(b) (5)



(b) (5)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, July 17, 2012 5:33 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Updated Processing Guidance on Deferred Action Cases
Attachments: Doc 4.docx; Doc 1.camp card.pdf; Doc 2.pdf; Doc 3.pdf
Importance: High

Alcon:

Self explanatory.

PAICs – advise ACPA (b) (6), (b) (7)(C) of receipt, understanding, and implementation.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Monday, July 16, 2012 6:51 PM
To: BP Field Deputies; BP Field Chiefs
Cc: (b) (6), (b) (7)(C), (b) (7)(E) MITIELLO, RONALD D; (b) (6), (b) (7)(C)
Subject: Updated Processing Guidance on Deferred Action Cases

Chiefs,

We have been approved to implement some changes to the processing of Deferred Action cases.....Effective immediately

In addition to the processing procedures currently in place in regards to possible deferred action cases:

- Complete form I-385 Alien Booking Record (camp card)
- Include approved verbiage in line #24 of sample I-385 attached
- Provide Form I-385 and Notice to Alien Regarding Deferred Action (English or Spanish version as appropriated) and USCIS Hotline number to alien upon release

The following documents are attached for your use:

Updated processing guidance (Document 4)
Sample camp card with approved verbiage in line #24 (Document 1)
English version "Notice to Alien Regarding Deferred Action" (Document 2)
Spanish version "Notice to Alien Regarding Deferred Action" (Document 3)

Any questions, please refer them to Assistant Chief (b) (6), (b) (7)(C) desk (b) (6), (b) (7)(C) or cell (b) (6), (b) (7)(C)

Thank you,

(b) (6), (b) (7)(C)

Deputy Chief, Operations Division
U.S. Border Patrol
Washington, D.C.
ofc: (b) (6), (b) (7)(C)
cell: [REDACTED]

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, August 31, 2017 5:29 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Executive Order
Attachments: Expansion of Deferred Action for Childhood Arrivals.docx

From: (b) (6), (b) (7)(C)
Sent: Tuesday, November 25, 2014 2:01 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

Subject: FW: Executive Order

Gentlemen,

Please see below/attachment concerning who to contact if you receive any questions regarding the DACA expansion and DAPA.

Expansion of Deferred Action for Childhood Arrivals (DACA)

On November 20, 2014, the President of the United States outlined the requirements, set forth below, for expansion of Deferred Action for Childhood Arrivals (DACA)

If you believe that you are eligible for DACA, you may call the USCIS National Customer Service Center toll-free at 1-800-375-5283 or visit the website at www.uscis.gov for more information.

DEFERRED ACTION FOR PARENTAL ACCOUNTABILITY

On November 20, 2014, the President of the United States outlined the requirements, set forth below, for Deferred Action for Parental Accountability (DAPA)

If you believe that you are eligible for DAPA, you may call the USCIS National Customer Service Center toll-free at 1-800-375-5283 or visit the website at www.uscis.gov for more information.

Thank you,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Acting Division Chief
United States Border Patrol Buffalo Sector
201 Lang Boulevard
Grand Island, New York 14072

Voice: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Tuesday, November 25, 2014 1:21 PM

To: (b) (6), (b) (7)(C)

Cc:

Subject: FW: Executive Order

(b) (6), (b) (7)(C)

For the field in case they don't already have this information. I don't see the "below" that this refers to, but here are some CIS phone numbers. Queries regarding DACA expansion and "DAPA" should be referred to USCIS.

(b) (6), (b) (7)(C)

Deputy Chief Patrol Agent
U.S. Border Patrol Buffalo Sector



From: (b) (6), (b) (7)(C)

Sent: Tuesday, November 25, 2014 12:58 PM

To: BP Field Deputies; BP Field Chiefs

Cc: (b) (6), (b) (7)(C)

Subject: Executive Order

Chiefs,

The attached (and below) is USCIS information for your awareness and guidance should your sector or stations receive any questions regarding eligibility for the President's Executive Order.

This situation is very fluid and we will continue to provide information as appropriate when we receive it.

Thanks for your patience!

Expansion of Deferred Action for Childhood Arrivals (DACA)

On November 20, 2014, the President of the United States outlined the requirements, set forth below, for expansion of Deferred Action for Childhood Arrivals (DACA)

If you believe that you are eligible for DACA, you may call the USCIS National Customer Service Center toll-free at 1-800-375-5283 or visit the website at www.uscis.gov for more information.

DEFERRED ACTION FOR PARENTAL ACCOUNTABILITY

On November 20, 2014, the President of the United States outlined the requirements, set forth below, for Deferred Action for Parental Accountability (DAPA)

If you believe that you are eligible for DAPA, you may call the USCIS National Customer Service Center toll-free at 1-800-375-5283 or visit the website at www.uscis.gov for more information.

(b) (6), (b) (7)(C)

Acting Deputy Division Chief
U.S. Border Patrol
Operations Division-Operational Programs

o (b) (6), (b) (7)(C)

c

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If you received this correspondence in error, please contact the originator and destroy all copies.

Expansion of Deferred Action for Childhood Arrivals (DACA)

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If you believe that you are eligible for DACA, you may call the USCIS National Customer Service Center toll-free at 1-800-375-5283 or visit the website at www.uscis.gov for more information.

DEFERRED ACTION FOR PARENTAL ACCOUNTABILITY

On November 20, 2014, the President of the United States outlined the requirements, set forth below, for Deferred Action for Parental Accountability (DAPA)

If you believe that you are eligible for DAPA, you may call the USCIS National Customer Service Center toll-free at 1-800-375-5283 or visit the website at www.uscis.gov for more information.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, August 31, 2017 5:29 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Updated Processing Guidance on Deferred Action Cases
Attachments: Doc 4.docx; Doc 1.camp card.pdf; Doc 2.pdf; Doc 3.pdf
Importance: High

From: (b) (6), (b) (7)(C)
Sent: Tuesday, July 17, 2012 7:30 AM
To: OSWEGO BORDER PATROL STATION (b) (7)(E)
Subject: FW: Updated Processing Guidance on Deferred Action Cases
Importance: High

ALCON,

Please add these documents to your processing folders. You will need them when we get a deferred action case. There is an instruction sheet, a notice to the alien in English and Spanish, and a sample I-385 camp card.

(b) (6), (b) (7)(C)

Assistant Patrol Agent in Charge
Oswego Border Patrol Station
(b) (6), (b) (7)(C) Office

(b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)
Sent: Tuesday, July 17, 2012 6:33 AM
To: (b) (6), (b) (7)(C)

Subject: FW: Updated Processing Guidance on Deferred Action Cases
Importance: High

Alcon:

Self explanatory.

PAICs – advise ACPA (b) (6), (b) (7)(C) of receipt, understanding, and implementation.

From: (b) (6), (b) (7)(C)

Sent: Monday, July 16, 2012 6:51 PM

To: BP Field Deputies; BP Field Chiefs

Cc: (b) (6), (b) (7)(C)

Subject: Updated Processing Guidance on Deferred Action Cases

Chiefs,

We have been approved to implement some changes to the processing of Deferred Action cases.....Effective immediately

In addition to the processing procedures currently in place in regards to possible deferred action cases:

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- Include approved verbiage in line #24 of sample I-385 attached
- Provide Form I-385 and Notice to Alien Regarding Deferred Action (English or Spanish version as appropriated) and USCIS Hotline number to alien upon release

The following documents are attached for your use:

Updated processing guidance (Document 4)

Sample camp card with approved verbiage in line #24 (Document 1)

English version "Notice to Alien Regarding Deferred Action" (Document 2)

Spanish version "Notice to Alien Regarding Deferred Action" (Document 3)

Any questions, please refer them to Assistant Chief (b) (6), (b) (7)(C) desk (b) (6), (b) (7)(C) or cell

(b) (6), (b) (7)(C)

Thank you,

(b) (6), (b) (7)(C)

Deputy Chief, Operations Division

U.S. Border Patrol

Washington, D.C.

ofc: (b) (6), (b) (7)(C)

cell: (b) (6), (b) (7)(C)

From:

To:

Cc:

Subject:

FW: DACA Information

Date:

Monday, September 18, 2017 10:47:33 AM

Attachments:

[DACA Rescission Guidance.pdf](#)

(b) (6), (b) (7)(C)

Please send this out to all the stations.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Monday, September 18, 2017 10:04:55 AM

To: DRT STAFF TASKING; (b) (6), (b) (7)(C)

Cc: OPS EAST SECTOR

Subject: FW: DACA Information

Good morning,

Please see the additional DACA information below.

Respectfully,

(b) (6), (b) (7)(C)

Desk: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Monday, September 18, 2017 10:53 AM

To: OPS EAST SECTOR (b) (7)(E) OPS WEST SECTORS

(b) (7)(E)

Cc: (b) (6), (b) (7)(C)

Subject: DACA Information

Good morning.

On September 6, 2017 Chief Provost issued the attached guidance on the rescission of DACA. After the issuance of that memo, US CIS provided additional information and clarifying points that will be useful to the field.

- As of March 2016, CIS no longer uses (b) (7)(E) for DACA cases. Instead, CIS has been using the (b) (7)(E) Agents can access (b) (7)(E) directly (if they have requested and have been granted read-only access) or they can access (b) (7)(E) information via the (b) (7)(E)

- Additionally, USCIS has a centralized Outlook email box that can be used for transmittal of any requests for consideration of termination DACA nationally. That email address (b) (7)(E)

Outside of the above bullet points, the guidance outlined in Chief Provost's memo remains unchanged.

Please provide this information to your respective sectors as soon as possible.

Thanks

(b) (6), (b) (7)(C)

Assistant Chief

U.S. Border Patrol

(O) (b) (6), (b) (7)(C)

(C)

(b) (6), (b) (7)(C)

From:
To:

(b) (6), (b) (7)(C)

Cc:

Subject:

FW: DACA Information

Date:

Monday, September 18, 2017 12:08:42 PM

Attachments:

[DACA Rescission Guidance.pdf](#)

All,

Please see below for additional information on the DACA rescission.

Thank you,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Division Chief

United States Border Patrol Buffalo Sector

201 Lang Boulevard

Grand Island, New York 14072

Voice: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Monday, September 18, 2017 10:53 AM

To: OPS EAST SECTOR (b) (7)(E) OPS WEST SECTORS

(b) (7)(E)

Cc: (b) (6), (b) (7)(C)

Subject: DACA Information

Good morning.

On September 6, 2017 Chief Provost issued the attached guidance on the rescission of DACA. After the issuance of that memo, US CIS provided additional information and clarifying points that will be useful to the field.

- As of March 2016, CIS no longer uses (b) (7)(E) for DACA cases. Instead, CIS has been using the (b) (7)(E) Agents can access (b) (7)(E) directly (if they have requested and have been granted read-only access) or they can access (b) (7)(E) information via the (b) (7)(E)
- Additionally, USCIS has a centralized Outlook email box that can be used for transmittal of any requests for consideration of termination DACA nationally. That

email address (b) (7)(E)

Outside of the above bullet points, the guidance outlined in Chief Provost's memo remains unchanged.

Please provide this information to your respective sectors as soon as possible.

Thanks

(b) (6), (b) (7)(C)

Assistant Chief

U.S. Border Patrol

(O) (b) (6), (b) (7)(C)

(C)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
To:
Subject: FW: Important DACA Guidance
Date: Friday, January 12, 2018 2:51:18 PM
Attachments: [9.6.17 DACA Guidance - BP.pdf](#)
[Aguilar Guidance on DACA 2012.pdf](#)

Did OCC send this over?

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 3:39 PM
To: BP Field Chiefs (b) (7)(E) BP Field Deputies
(b) (7)(E)
Cc: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) USBP
HQ Adjutants (b) (7)(E) USBP LEOD Associate Chiefs
(b) (7)(E)
Subject: Important DACA Guidance

Chiefs, Deputies,

As you may be aware, on January 9, 2018, a federal district court judge issued a preliminary injunction ordering DHS to maintain the DACA policy on a nationwide basis on the same terms and conditions as were in effect before the DACA rescission on September 5, 2017. On September 6, 2017, guidance was issued to all Chief Patrol Agents and Directorate Chiefs explaining the DACA rescission and reminding agents to process DACA individuals who are encountered by U.S. Border Patrol in a manner that is consistent with existing guidance. That guidance memo also instructed agents on how to process individuals who claim to have DACA, individuals who have a pending DACA application, individuals who do not have deferred action, DACA individuals with derogatory information, and individuals who appeared eligible for DACA but had no pending DACA application. With the exceptions of paragraphs one and two of that guidance, the remaining guidance remains in place. That guidance is attached to this email for you reference. If you have any questions about specific encounters and the Court order, please reach out to your local Associate or Assistant Chief Counsel office.

V/r,

(b) (6), (b) (7)(C)

(a)Chief LEOD

O: (b) (6), (b) (7)(C)

C: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
To:
Subject: FW: Important DACA Guidance
Date: Friday, January 12, 2018 2:55:52 PM

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 3:53 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Important DACA Guidance

(b) (6), (b) (7)(C)

“With the exceptions of paragraphs one and two of that guidance, the remaining guidance remains in place”

(b) (5)

What say you?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 2:39 PM
To: BP Field Chiefs (b) (7)(E) BP Field Deputies
(b) (7)(E)
Cc: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)

Subject: Important DACA Guidance

Chiefs, Deputies,

As you may be aware, on January 9, 2018, a federal district court judge issued a preliminary injunction ordering DHS to maintain the DACA policy on a nationwide basis on the same terms and conditions as were in effect before the DACA rescission on September 5, 2017. On September 6, 2017, guidance was issued to all Chief Patrol Agents and Directorate Chiefs explaining the DACA rescission and reminding agents to process DACA individuals who are

encountered by U.S. Border Patrol in a manner that is consistent with existing guidance. That guidance memo also instructed agents on how to process individuals who claim to have DACA, individuals who have a pending DACA application, individuals who do not have deferred action, DACA individuals with derogatory information, and individuals who appeared eligible for DACA but had no pending DACA application. With the exceptions of paragraphs one and two of that guidance, the remaining guidance remains in place. That guidance is attached to this email for you reference. If you have any questions about specific encounters and the Court order, please reach out to your local Associate or Assistant Chief Counsel office.

V/r,

(b) (6), (b) (7)(C)

(a)Chief LEOD

O: (b) (6), (b) (7)(C)

C:

From: (b) (6), (b) (7)(C)
To: [REDACTED]
Subject: RE: Important DACA Guidance
Date: Friday, January 12, 2018 3:53:03 PM

10-4, Chief. See you next week.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Chief Patrol Agent
Spokane Sector
U.S. Border Patrol

(b) (6), (b) (7)(C) direct
cell

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Friday, January 12, 2018 12:39 PM

To: BP Field Chiefs (b) (7)(E) BP Field Deputies

(b) (7)(E)

Cc: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)

HQ Adjutants (b) (7)(E) USBP LEOD Associate Chiefs

(b) (7)(E)

Subject: Important DACA Guidance

Chiefs, Deputies,

As you may be aware, on January 9, 2018, a federal district court judge issued a preliminary injunction ordering DHS to maintain the DACA policy on a nationwide basis on the same terms and conditions as were in effect before the DACA rescission on September 5, 2017. On September 6, 2017, guidance was issued to all Chief Patrol Agents and Directorate Chiefs explaining the DACA rescission and reminding agents to process DACA individuals who are encountered by U.S. Border Patrol in a manner that is consistent with existing guidance. That guidance memo also instructed agents on how to process individuals who claim to have DACA, individuals who have a pending DACA application, individuals who do not have deferred action, DACA individuals with derogatory information, and individuals who appeared eligible for DACA but had no pending DACA application. With the exceptions of paragraphs one and two of that guidance, the remaining guidance remains in place. That guidance is attached to this email for your reference. If you have any questions about specific encounters and the Court order, please reach out to your local Associate or Assistant Chief Counsel office.

V/r,
(b) (6), (b) (7)(C)

(a)Chief LEOD

O: (b) (6), (b) (7)(C)

C:

From: (b) (6), (b) (7)(C)
To: [REDACTED]
Subject: RE: Important DACA Guidance
Date: Friday, January 12, 2018 3:41:16 PM

Chief,

(b) (5)

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 4:28 PM
To: [REDACTED] (b) (6), (b) (7)(C)
Subject: RE: Important DACA Guidance

I just spoke with counsel for some clarification. I will probably be putting out additional guidance

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 4:00 PM
To: [REDACTED] (b) (6), (b) (7)(C)
Subject: RE: Important DACA Guidance

(b) (7)(E) speaking with counsel locally

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 2:53 PM
To: [REDACTED] (b) (6), (b) (7)(C)
Subject: RE: Important DACA Guidance

(b) (6), (b) (7)(C)

“With the exceptions of paragraphs one and two of that guidance, the remaining guidance remains in place”

(b) (5)

What say you?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Friday, January 12, 2018 2:39 PM

To: BP Field Chiefs (b) (7)(E) BP Field Deputies

(b) (7)(E)

Cc: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) USBP

HQ Adjutants (b) (7)(E) USBP LEOD Associate Chiefs

(b) (7)(E)

Subject: Important DACA Guidance

Chiefs, Deputies,

As you may be aware, on January 9, 2018, a federal district court judge issued a preliminary injunction ordering DHS to maintain the DACA policy on a nationwide basis on the same terms and conditions as were in effect before the DACA rescission on September 5, 2017. On September 6, 2017, guidance was issued to all Chief Patrol Agents and Directorate Chiefs explaining the DACA rescission and reminding agents to process DACA individuals who are encountered by U.S. Border Patrol in a manner that is consistent with existing guidance. That guidance memo also instructed agents on how to process individuals who claim to have DACA, individuals who have a pending DACA application, individuals who do not have deferred action, DACA individuals with derogatory information, and individuals who appeared eligible for DACA but had no pending DACA application. With the exceptions of paragraphs one and two of that guidance, the remaining guidance remains in place. That guidance is attached to this email for your reference. If you have any questions about specific encounters and the Court order, please reach out to your local Associate or Assistant Chief Counsel office.

V/r,

(b) (6), (b) (7)(C)

(a)Chief LEOD

O: (b) (6), (b) (7)(C)

C: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
To:
Subject: RE: Important DACA Guidance
Date: Friday, January 12, 2018 2:51:52 PM

They did. DOJ mandate by COB. Issues?

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 3:51 PM
To: (b) (6), (b) (7)(C)
Subject: FW: Important DACA Guidance

Did OCC send this over?

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 3:39 PM
To: BP Field Chiefs (b) (7)(E) BP Field Deputies
(b) (7)(E)
Cc: PROVOST, CARLA (USBP) (b) (6), (b) (7)(C)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] USBP
HQ Adjutants (b) (7)(E) USBP LEOD Associate Chiefs
(b) (7)(E)
Subject: Important DACA Guidance

Chiefs, Deputies,

As you may be aware, on January 9, 2018, a federal district court judge issued a preliminary injunction ordering DHS to maintain the DACA policy on a nationwide basis on the same terms and conditions as were in effect before the DACA rescission on September 5, 2017. On September 6, 2017, guidance was issued to all Chief Patrol Agents and Directorate Chiefs explaining the DACA rescission and reminding agents to process DACA individuals who are encountered by U.S. Border Patrol in a manner that is consistent with existing guidance. That guidance memo also instructed agents on how to process individuals who claim to have DACA, individuals who have a pending DACA application, individuals who do not have deferred action, DACA individuals with derogatory information, and individuals who appeared eligible for DACA but had no pending DACA application. With the exceptions of paragraphs one and two of that guidance, the remaining guidance remains in place. That guidance is attached to this email for your reference. If you have any questions about specific encounters and the Court order, please reach out to your local Associate or Assistant Chief Counsel office.

V/r,
(b) (6), (b) (7)(C)

(a)Chief LEOD

O: (b) (6), (b) (7)(C)
C: [REDACTED]

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Important DACA Guidance
Date: Friday, January 12, 2018 2:48:07 PM

10-4 Chief.

(b) (6), (b) (7)(C)
(A) Deputy Chief Patrol Agent
Havre Sector
Office (b) (6), (b) (7)(C)
Cell (b) (6), (b) (7)(C)

Sent from iPhone

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 3:38:57 PM
To: BP Field Chiefs; BP Field Deputies
Cc: PROVOST, CARLA (USBP); (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(OCC); USBP HQ Adjutants; USBP LEOD Associate Chiefs
Subject: Important DACA Guidance

Chiefs, Deputies,

As you may be aware, on January 9, 2018, a federal district court judge issued a preliminary injunction ordering DHS to maintain the DACA policy on a nationwide basis on the same terms and conditions as were in effect before the DACA rescission on September 5, 2017. On September 6, 2017, guidance was issued to all Chief Patrol Agents and Directorate Chiefs explaining the DACA rescission and reminding agents to process DACA individuals who are encountered by U.S. Border Patrol in a manner that is consistent with existing guidance. That guidance memo also instructed agents on how to process individuals who claim to have DACA, individuals who have a pending DACA application, individuals who do not have deferred action, DACA individuals with derogatory information, and individuals who appeared eligible for DACA but had no pending DACA application. With the exceptions of paragraphs one and two of that guidance, the remaining guidance remains in place. That guidance is attached to this email for your reference. If you have any questions about specific encounters and the Court order, please reach out to your local Associate or Assistant Chief Counsel office.

V/r.
(b) (6), (b) (7)(C)
(a) Chief LEOD
O: (b) (6), (b) (7)(C)
C: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Subject: RE: Important DACA Guidance
Date: Friday, January 12, 2018 4:09:36 PM

You as well

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 5:08 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Important DACA Guidance

Well we wanted to make sure you knew just in case he decided he wanted to run to the media. Turns out he is a false claim and CIS has nothing on him reapplying for the extension. Breathe easier. Have a good, long weekend brother.

(b) (6), (b) (7)(C)
Deputy Chief Patrol Agent
Detroit Sector
Office: (b) (6), (b) (7)(C)
Cell: (b) (6), (b) (7)(C)

Sent from iPhone

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 5:04:49 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Important DACA Guidance

No, but thank you for telling on yourselves.

From: (b) (6), (b) (7)(C)
Sent: Friday, January 12, 2018 4:56 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Important DACA Guidance

Did we cause you a slight heart attack today? Hope you are holding up. Everything has been taken care of with our DACA-like app.

(b) (6), (b) (7)(C)
Deputy Chief Patrol Agent
Detroit Sector
Office: (b) (6), (b) (7)(C)
Cell: (b) (6), (b) (7)(C)

Sent from iPhone

From: (b) (6), (b) (7)(C)

Sent: Friday, January 12, 2018 3:38:57 PM

To: BP Field Chiefs; BP Field Deputies

Cc: PROVOST, CARLA (USBP); (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(OCC); USBP HQ Adjutants; USBP LEOD Associate Chiefs

Subject: Important DACA Guidance

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V/r,

(b) (6), (b) (7)(C)

(a)Chief LEOD

O: (b) (6), (b) (7)(C)

C: [REDACTED]

From:
To:

(b) (6), (b) (7)(C)

Subject: TeleCon Concerning DACA Guidance

All,

Please call in via the number below for a short telecon concerning the new DACA guidance.

Thanks,

(b) (6), (b) (7)(C)

(b) (7)(E)

Participant code: (b) (7)(E)

DACA Records 02 Duplicate Files, not re-released:

Page 001 Attachment-BUN DACA Update Jan 12 2018

“Guidance on the Acting Secretary’s Rescission of the Memorandum of June 15, 2012, Establishing DACA” Duplicate of Page 2, "DACA Records 01"

Page 005 Attachment-BUN Guidance on Rescission from June 15, 2012 Establishing DACA.

“Guidance on the Acting Secretary’s Rescission of the Memorandum of June 15, 2012, Establishing DACA” Duplicate of Page 2, First Production.

Page 017-Doc 4, Doc 1.camp card, Doc 2, Doc 3

Duplicate of pages 13-16 "DACA Records 02"

Page 023-Doc 4, Doc 1.camp card, Doc 2, Doc 3

Duplicate of pages 13-16 "DACA Records 02"

Page 025 Attachment-DACA Rescission Guidance

“Guidance on the Acting Secretary’s Rescission of the Memorandum of June 15, 2012, Establishing DACA” Duplicate of Page 2, "DACA Records 01"

Page 027 Attachment-DACA Rescission Guidance

“Guidance on the Acting Secretary’s Rescission of the Memorandum of June 15, 2012, Establishing DACA” Duplicate of Page 2, "DACA Records 01"

Page 029 Attachment-9.6.17 DACA Guidance-BP and Aguilar Guidance on DACA 2012

“Guidance on the Acting Secretary’s Rescission of the Memorandum of June 15, 2012, Establishing DACA” Duplicate of Page 2, "DACA Records 01"

“Secretary Napolitano’s Memorandum Concerning the Exercise of Prosecutorial Discretion with Respect to Individual Who Came to the United States as Children” Duplicate of page 03 "DACA Records 02" .

Page 039 Attachment

“Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who are the Parents of U.S. Citizens or Permanent Residents” Already available to the public at <https://www.dhs.gov/publication/exercising-prosecutorial-discretion-respect-individuals-who-came-united-states-children#> verified on June 1, 2020. Record available to the public via link.